

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
Plaintiff,

v.

CIVIL ACTION
NO. 16-6313

DANIEL B. RAAF

Defendant.

:

ORDER

AND NOW, this 8th day of March, 2017, upon consideration of Plaintiff's Motion for Service by Posting Property and Certified Mail (Doc. No. 2), it is hereby ORDERED that said Motion is DENIED without prejudice.¹

¹ Plaintiff seeks to alternatively serve Defendant via posting and certified mail, pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure. The Note to Pennsylvania Rule of Civil Procedure 430(a) provides as follows:

A sheriff's return of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. *Gonzales v. Polis*, 357 A.2d 580 (Pa. Super. 1976). Notice of intended adoption mailed to last known address requires a "good faith effort" to discover the correct address. *Adoption of Walker*, 360 A.2d 603 (Pa. 1976).

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search.

In this case, Plaintiff avers that it made inquiries of postal authorities pursuant to the Freedom of Information Act, examined local telephone directories, attempted service at four different addresses, spoke with Defendant at one point in time, and found no information on Facebook or through a Google search. However, because a simple Google search does in fact reveal at least one other address for Defendant that has not been cited by Plaintiff, as well as information via Facebook and information pertaining to a company Defendant is potentially affiliated with at the current time, Plaintiff has not

BY THE COURT:

/s/ C. Darnell Jones, II J.

demonstrated a sufficient “good faith effort” to locate Defendant.

As an aside, this Court further notes that Plaintiff’s Motion refers to Defendant as a female (Mot. ¶14), when the record indicates Defendant is a male individual.